

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
REGION 61201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

August 16, 2021

Ms. Kimberly D. Boss
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, D.C. 20426

Dear Ms. Boss:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Energy Regulatory Commission (FERC) Draft Environmental Impact Statement (EIS) for the East Lateral Xpress Project proposed by Columbia Gulf Transmission, LLC (Columbia Gulf) (CEQ Number 20210086). The Draft EIS was reviewed pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 - 1508), and EPA's NEPA review authority under Section 309 of the Clean Air Act.

Columbia Gulf proposes to construct and operate natural gas transmission facilities in St. Mary, Lafourche, Jefferson, and Plaquemines Parishes, Louisiana. This includes two new compressor stations, a new point of delivery meter station, approximately 8.0 miles of 30-inch-diameter pipeline lateral, and other auxiliary facilities. The Draft EIS incorporates by reference FERC's March 16, 2021 Environmental Assessment (EA), discloses downstream greenhouse gas (GHG) emissions for the project, and addresses other comments filed with FERC as result of the EA review. FERC evaluated the no-action alternative, system alternatives, pipeline route alternatives, and compressor station site alternatives for the proposed new facilities.

Based on our assessment of the environmental analysis in both the EA and Draft EIS, EPA identified environmental concerns in the analysis that EPA strongly recommends be addressed in the Final EIS. The attached Detailed Comments include recommendations for the assessment and disclosure of climate change impacts resulting from GHG emissions, and recommendations for protecting air quality and communities with environmental justice concerns. Consistent with comments provided by EPA in response to FERC's February 18 Notice of Inquiry, EPA reaffirms the recommendation that FERC incorporate consideration of project need, carbon lock-in and potential stranded assets into its review of natural gas pipeline projects.

We appreciate the opportunity to review this Draft EIS. EPA looks forward to the receipt and review of the Final EIS. If you have any questions, please contact Michael Jansky, the project review lead, at 214-665-7451 or jansky.michael@epa.gov.

Sincerely,

Polk, Jonna

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Jonna Polk
Director
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Environmental Assessment

Enclosure

EPA DETAILED COMMENTS ON THE DRAFT EIS FOR EAST LATERAL XPRESS PROJECT

General Comments

EPA acknowledges FERC's commitment to reducing environmental impacts through mitigation measures outlined in the EA. We recognize FERC's decision to assess some of the project's potentially significant greenhouse gas emissions and associated impacts related to the proposed action in the Draft EIS. Additionally, consistent with comments provided by EPA in response to FERC's NOI, EPA reaffirms the recommendation that FERC incorporate an analysis of need, consideration of carbon lock-in and the potential for stranded assets into its review of natural gas pipeline projects. Furthermore, FERC should assess whether the project is consistent with recent federal and other GHG emission reduction goals, including pathways to achieving net-zero emissions.

Greenhouse Gas Emissions and Climate-Related Impacts

Executive Order 13990 Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis (E.O. 13990, 86 FR 7037; January 20, 2021) urges agencies to "consider all available tools and resources in assessing GHG emissions and climate change effects of their proposed actions, including as appropriate and relevant, the 2016 GHG Guidance." The Draft EIS considers some of the potential impacts of the proposed action on climate change through GHG emissions. In our review of the Draft EIS we note the following:

- Upstream emission estimates should also be considered in the final EIS. Upstream impacts are not currently included as "the source of the gas is unknown and may change throughout the life of the Project." Though the originating hydrocarbon resource may not be known, we recommend the Draft EIS include a description of regionally-known accumulations. Generic estimates for upstream emissions from natural gas production developed by the Department of Energy's National Energy Technology Laboratory and Energy Information Agency may also be used if insufficient information is unavailable. Omitting such emissions would result in an underestimation of likely environmental effects. *See, e.g., Birkhead v. FERC*, 925 F.3d 510, 517 (DC Cir. 2019) ("the Commission conceded that there may well be instances in which upstream gas production is both reasonably foreseeable and sufficiently causally connected to a pipeline project to qualify as an indirect effect").
- As the CEQ 2016 GHG guidance states, EPA recommends quantifying GHG emissions as follows: "When considering GHG emissions and their significance, agencies should use appropriate tools and methodologies for quantifying GHG emissions and comparing GHG quantities across alternative scenarios. Agencies should not limit themselves to calculating a proposed action's emissions as a percentage of sector, nationwide, or global emissions in deciding whether or to what extent to consider climate change impacts under NEPA." In addition, EPA recommends that the Final EIS expand the discussion of the project's GHG emissions in the context of national and state GHG emission goals. EPA recommends that this discussion consider the U.S. 2030 GHG reduction target, 2050 net-zero pathway, and end date of the project's expected lifetime. This would provide decisionmakers and the public essential context regarding the project's GHG emissions and important emissions reduction policies over time. This context should not be limited to consideration of only the project's operational GHGs, but should also include consideration of estimated upstream and downstream emissions.
- EPA strongly recommends that FERC use the social cost of greenhouse gases (SC-GHG) to assess climate impacts generated by each additional ton of greenhouse gas emitted. For example, by applying the SC-GHG analysis, the projected emissions as highlighted in the EA associated with the proposed action equates to over \$205 million dollars in climate damages per year. While we acknowledge the uncertainty associated with these methods, EPA encourages estimates of the SC-GHG that reflect the best available science and methodologies to incorporate the value to society of net changes in direct and indirect GHG emissions resulting from a proposed action. Additional information on the SC-GHG can be found at:

Technical Support Document Social Cost of Greenhouse Gases under E.O. 13990¹ and EPA's May 26, 2021 letter in response to FERC's Notice of Inquiry to submit comments on the Certification of New Interstate Natural Gas Facilities.

- As stated in the May 26, 2021 response to FERC's Notice of Inquiry, even absent a full monetary benefit-cost analysis, SC-GHG estimates can be informative for project level analysis and are regularly used to inform decisions like those being considered by FERC by incorporating the impacts of GHG emissions. A discussion of the SC-GHG estimates used in recent federal BCA can be found in EPA's supporting documents for the Revised Cross-State Air Pollution Rule (CSAPR) Update Rule.² Specifically, the estimates used in the BCA of the Revised CSAPR rule are the interim SC-GHG estimates that EPA and other members of the IWG developed under E.O. 13990 for use in BCA until an improved estimate of the impacts of climate change can be developed based on the best available science and economics taking into consideration recommendations from the National Academies of Sciences, Engineering, and Medicine (National Academies, 2017). EPA recommends disclosing the assumptions (e.g., discount rates) and uncertainties associated with such analysis. Estimates of SC-CO₂ and other greenhouse gases have been used for over a decade in federal analyses, while acknowledging the uncertainties involved and clearly understanding the need for updates over time to reflect evolving science and economics of climate impacts. EPA also notes that the Final EIS will need to respond to the recent findings of the D.C. Circuit in *Vecinos Para El Bienestar de la Comunidad Costera v. FERC*, 2021 WL 3354747 (D.C. Cir. Aug. 3, 2021)
- Given that climate change challenges communities throughout the U.S., particularly communities with environmental justice concerns, EPA recommends the Final EIS discussion of climate impacts be improved by replacing the Draft EIS statement that while climate impact "may be manageable for certain communities, the impacts of compound extreme events. . . can be greater than the sum of the parts" with more detailed excerpts from the National Climate Assessment Southeast regional chapter, discussed elsewhere in the Draft EIS. For example:
 - "Rural communities tend to be more vulnerable to these changes due to factors such as demography, occupations, earnings, literacy, and poverty incidence. In fact, a recent economic study using a higher scenario (RCP8.5) suggests that the southern and midwestern populations are likely to suffer the largest losses from future climate changes in the United States. Climate change tends to compound existing vulnerabilities and exacerbate existing inequities. Already poor regions, including those found in the Southeast, are expected to continue incurring greater losses than elsewhere in the United States." NCA4, Southeast chapter, p. 746
 - "Understanding the demographic and socioeconomic composition of racial and ethnic groups in the region is important, because these characteristics are associated with health risk factors, disease prevalence, and access to care, which in turn may influence the degree of impact from climate-related threats." Southeast, p. 749

Air Quality

- Compressor Station Facility tanks should include vapor recovery systems to control VOC emissions which result in ozone formation.
- EPA recommends the implementation of best practices that reduce emissions during construction and operations. Detailed information on a broad range of cost-effective technologies and practices that

¹ https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf
² https://www.epa.gov/sites/production/files/2021-03/documents/revised_csapr_update_ria_final.pdf

improve operational efficiency and reduce emissions can be found through [EPA's Natural Gas STAR Program](#).

Environmental Justice and Impacted Communities

In addition to the analytical omissions and issues raised above, EPA recommends FERC develop a comprehensive outreach strategy to engage minority and low-income populations in proximity of the proposed project and foster meaningful participation and coordination with minority and low-income populations, applicable stakeholders and external organizations and entities. The Final EIS should describe outreach activities conducted to involve all communities that could be affected by the proposed project, along with discussion of any environmental justice concerns by communities. EPA suggests FERC use a comprehensive communication strategy in various forms of media, such as community's preferred radio stations, local television channels, library, food establishments as well as school and religious institutions, to inform the communities with EJ concerns.

EPA also has the following suggestions for strengthening the EJ analysis in the Final EIS:

- EPA recommends the Final EIS provide support for the Draft EIS conclusion that the project's in-water construction over 11 months, and onshore wetlands losses will have insignificant impacts on subsistence fishers.
- EPA recommends the Final EIS note that although no exceedances of NAAQS are anticipated to occur, and the NAAQS are designated to protect sensitive populations, NAAQS attainment does not assure there is no localized harm to such populations.

Document Content(s)

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